



Federal Communications Commission  
Washington, D.C. 20554

February 26, 2019

Via email to: 69111-19454932@requests.muckrock.com

Aaron Sankin  
The Markup  
MuckRock News, Dept. MR 69111  
411A Highland Avenue  
Somerville, MA 02144

Re: FOIA Control No. 2019-277

Mr. Sankin:

This letter responds to your request for expedited processing of your Freedom of Information Act (FOIA) request, FOIA Control No. 2019-277.<sup>1</sup> By this letter, we grant your request for expedited processing.

Section 0.461(h) of the Commission's rules provides that a request for expedited processing shall be granted where a requester demonstrates a compelling need for expedited processing and certifies his request to be true and correct to the best of his knowledge.<sup>2</sup> Our rules provide that the term "compelling need" means: (1) "[t]hat failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual" or (2) "[w]ith respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public concerning actual or alleged Federal Government activity."<sup>3</sup>

In support of your request, you indicate that you are a member of the media, and that "there is an urgent need to inform the public" ... "if Mr. Davenport [the FCC staffer identified in your request] is in a position to influence [a] deeply consequential decision" regarding a proposal pending before the FCC by Ligado, his former employer, "to roll out a terrestrial wireless network on a portion of the wireless spectrum previously reserved for GPS."<sup>4</sup>

We conclude that the reasoning you provide justifies granting expedited processing on the basis that the you are a person primarily engaged in disseminating information and there is an urgency to inform the public concerning actual or alleged government activity. Therefore, we grant your

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<sup>1</sup> FOIA 2019-000277 (filed February 22, 2019) (Request).

<sup>2</sup> 47 C.F.R. § 0.461(h).

<sup>3</sup> 47 C.F.R. § 0.461(h)(3).

<sup>4</sup> Request at 3.

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request for expedited processing. We will commence the search for records responsive to your request and anticipate responding to you as soon as possible.

Sincerely,

A handwritten signature in black ink that reads "Andrea Kearney". The signature is written in a cursive, flowing style with a large initial 'A' and a long, sweeping underline.

Andrea Kearney  
Attorney Advisor

cc: FCC FOIA Office